

AMENDMENT

In the claims:

Please cancel claim 3 without prejudice and without disclaimer as drawn to a non-elected invention.

Please amend the claims as follows:

1. (Original) An isolated nucleic acid molecule comprising a nucleotide sequence that:
 - (a) encodes the amino acid sequence shown in SEQ ID NO:2; and
 - (b) hybridizes under stringent conditions to the nucleotide sequence of SEQ ID NO:1 or the complement thereof.

2. (Original) An isolated nucleic acid molecule comprising a nucleotide sequence that encodes the amino acid sequence shown in SEQ ID NO:2.

3. (Cancelled)

4. (New) The isolated nucleic acid molecule of claim 2, comprising the nucleotide sequence of SEQ ID NO:1.

5. (New) A recombinant expression vector comprising a nucleic acid molecule encoding the amino acid sequence shown in SEQ ID NO:2.

6. (New) The recombinant expression vector of claim 5, wherein said nucleic acid molecule comprises the nucleotide sequence of SEQ ID NO:1.

7. (New) A host cell comprising the recombinant expression vector of claim 5.

RESPONSE

I. Restriction Requirement

The Examiner has determined that the original claims are directed to two separate and distinct inventions under 35 U.S.C. § 121, as follows:

- Group I: Claims 1 and 2, said to be drawn to nucleic acids encoding a polypeptide, complementary nucleic acids, vectors, host cells, and methods of producing polypeptides recombinantly, classified in class 435, subclass 69.1+; and
- Group II: Claim 3, said to be drawn to an isolated oligopeptide, classified in class 530, subclass 300+;

II. Response to Restriction Requirement

In response to the Restriction Requirement, Applicants hereby elect without traverse to prosecute the claims of the Group I invention (claims 1 and 2), drawn to nucleic acids encoding a polypeptide, complementary nucleic acids, vectors, host cells, and methods of producing polypeptides recombinantly, classified in class 435, subclass 69.1+. Accordingly, claim 3 has been cancelled herein without prejudice and without disclaimer, as drawn to a non-elected invention.

Applicants reserve the right to refile claims to the non-elected invention in one or more future applications retaining the priority date of the present case and the earlier cited priority applications.

III. Status of the Claims

Claim 3 has been cancelled without prejudice and without disclaimer as drawn to a non-elected invention. No claims of the Group I invention have been cancelled. No claims of the Group I invention have been amended. New claims 4-7 have been added.

Claims 1, 2 and 4-7 are therefore presently pending in the case.

IV. Support for the Newly Added Claims

Claim 4 has been added to specifically recite an isolated nucleic acid molecule comprising the

nucleotide sequence of SEQ ID NO: 1. Support for this claim can be found throughout the specification as originally filed.

Claims 5 and 6 have been added to specifically recite recombinant expression vectors comprising nucleic acid molecules of the present invention. Support for these claims can be found throughout the specification as originally filed, with particular support being found at least at page 14, lines 5-12.

Claim 7 has been added to specifically recite host cells comprising the recombinant expression vectors of claim 5. Support for this claim can be found throughout the specification as originally filed, with particular support being found at least at page 14, lines 12-18.

It will be understood that no new matter is included within the newly added claims.

V. Conclusion

The present document is a complete response to the Restriction Requirement. Applicants believe that the claims of the instant application meet all of the conditions for patentability and are in condition for allowance. Accordingly, an early indication of the same is respectfully requested. Should Examiner Wegert have any questions or comments, or believe that certain amendments of the claims might serve to improve their clarity, a telephone call to the undersigned Applicants' representative is earnestly solicited.

Respectfully submitted,

December 18, 2003

Date



David W. Hibler
Agent for Applicants

Reg. No. 41,071

CUSTOMER # 24231

LEXICON GENETICS INCORPORATED
8800 Technology Forest Place
The Woodlands, TX 77381
(281) 863-3399